



*[Handwritten signature]*

PATENT  
2091-0162P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takafumi NOGUCHI                      Conf. No.: 8041  
Appl. No.: 09/134,478                              Group: 2612  
Filed: August 14, 1998                              Examiner: Timothy HENN  
For: METHOD OF ADJUSTING THE  
BRIGHTNESS OF AN IMAGE,  
DIGITAL CAMERA AND IMAGE  
PROCESSOR USING THE METHOD

**SUMMARY OF EXAMINER INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 13, 2004

Sir:

This summary is being filed in compliance with the requirements stated on the Examiner Interview Summary, PTOL-413 which was mailed November 12, 2004. Since the Reply has already been filed, there is a requirement that Applicant file a Statement of the substance of the interview. This letter complies with that requirement.

An Examiner Interview was conducted on the above-identified application on November 4, 2004. In attendance were Examiner Timothy J. Henn and his supervisor Ms. Wendy Garber as well as Applicant's representative Michael R. Cammarata.

During this interview, Applicant's representative thoroughly explained the concepts of the invention to the Examiners. It is believed that this explanation was found quite helpful particularly because Examiner Henn is new to this case.

Next, Applicant's representative presented various arguments against the Van de Poel and Kim patents that are being applied in the last Office Action. Specifically, Fig. 2 of the invention was

contrasted with Van de Poel's in Fig. 2. Applicant's representative emphasized the basic difference between the term "density" as used by Van de Poel and the term "brightness" as recited in the claims. "Density" is defined by Van de Poel and in the conventional art as being the magnitude or intensity of the light detected by a corresponding pixel of a CCD array or other detector. As explained during the interview, "density" is an entirely different concept than brightness which is based on all three color components together. The term "brightness" and its concept is completely absent from and not disclosed or suggested by Van de Poel.

It was further argued by Applicant's representative that Van de Poel's method does not disclose or suggest determining a rate of pixels based on the number of pixels having a maximum brightness. Van de Poel's region X1 - X2 in Fig. 2 is actually a density histogram region which is an entirely different concept than a brightness. Even if these two terms were similar, the region X1 - X2 is not a count or rate of pixels having a maximum value as claimed.

The exposure control means of claim 9 was also distinguished from Van de Poel. As was argued in the interview, Van de Poel merely manually adjusts the exposure time for a subsequent image when the previously photographed image density values indicate specular reflections. There is no concept of adjusting the exposure value on the basis of the brightness histogram such that the rate of pixels (based on a number of pixels having a maximum brightness among all pixels) becomes a predetermined rate.

In regards to independent claim 13, it was further argued that the combination of Van de Poel and Kim does not disclose or suggest brightness analyzing means for computing a histogram of the

brightness of the pixels defined based on three mutually independent components.

In general, Applicant appreciates the courtesies extended to his representative during the Examiner interview. It is believed that substantial progress was made during the interview regarding the Examiner's understanding of the invention as well as the applied references Van de Poel and Kim. Examiner Henn is encouraged to contact Applicant's representative if any issues remain in this application.

### Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASH & BIRCH, LLP

By



Michael R. Cammarata, #39,491

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

MRC/kpc  
2091-0162P